

Docket No.: CISCO-2402

REMARKS

In response to the Office action mailed July 12, 2005, Applicant asserts that it has not been shown where Chen discloses intercepting incoming files before they reach a file system, as claimed by the present invention. Applicant submits that Chen teaches scanning of a file system that does not occur until after the message (and its attachment) reaches the file system. While the Examiner states that Applicant implies that Chen intercepts messages and focuses on the question of *where* Chen *intercepts* the incoming files, this is not a reasonable characterization of Applicant's arguments. Furthermore, Examiner states on page 8 of the Office Action mailed July 12, 2005 that "*Examiner, however would reconsider if Applicant's claim language discloses the specific differences of the timing of the interception more clearly (example: interception takes place before the message received by the server and not the file system within the server;...*"

Applicant respectfully submits that the clear delineation requested by the Examiner is already present in the independent claims of the present invention. Specifically, the claimed limitation of intercepting incoming files before they are transferred to a file system of the server clearly delineates the difference of the present invention from Chen. As argued previously, Chen ONLY looks at files ALREADY in a file system. Thus, Chen does not INTERCEPT. The term "intercept" is defined by Webster's Dictionary is "to stop, seize, or interrupt in progress or course or before arrival."

Applicant asked the Examiner if the Examiner considered an email system containing received emails to be a file system. Examiner responded that Chen discloses that "e-mail message" is used for convenience and is meant to describe all types of files, including messages, broadcasts, and communications used within, sent from, or received by a mail server. However, the

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Examiner never stated whether or not the Examiner views an email system to be a file system. This question is relevant to expediting the prosecution of the present application, as "file system" is an important element of the claim limitation of claim 1 and other independent claims of the present application. Applicant submits that an email system IS a file system, as it organizes emails already received and stored.

Applicant also asked Examiner where does Chen teach scanning an email message before it reaches the email system? However, Examiner responded by stating "the features upon which Applicant relies 'scanning all of the emails in an email system' [is] not recited in the rejected claims." Of course they are not. "Scanning all of the emails in an email system" is what Chen does, and is not disclosed or claimed in the present application. As Chen scans emails IN an email system, Chen scans emails that have already reached the email system. Thus, Chen does not intercept incoming files before they reach a file system.

Examiner argues that Chen discloses intercepting the files before they reach the file system and points to Chen's disclosure of "the agent is located at the server computer and provide and interface between the anti-virus module and the message system." Applicant submits that this wording proves that Chen does not disclose the claimed element of scanning an incoming file before it reaches the file system. Specifically, Websters Dictionary defines "interface" as "the place at which independent and often unrelated systems meet and act on or communicate with each other." Thus, the "interface between an antivirus module and the message system" means that the antivirus module is in communication with the email (file) system (containing received email messages, that are no longer "inbound" files) and once again fails to disclose intercepting files before they reach a file system.

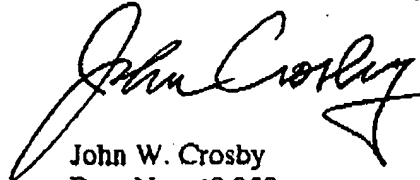
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One last question Applicant asked was "why would Chen teach scanning all of the emails in an email system if Chen teaches detecting viruses before they reach the email system?" This question was left unanswered by the Examiner. However, this is a very important question, as it relates directly to the difference between Chen and the present invention, namely examining files already in a file system (Chen) and examining files before they reach the file system (the present application).

INVITATION TO TELEPHONE CONFERENCE

If the Examiner feels there are any remaining issues that could be resolved by phone, the Examiner is invited to call the undersigned attorney at the telephone number listed below. The undersigned attorney is usually available between the hours of 11AM and 2PM EST.

Respectfully submitted,
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